

REMARKS

Applicants appreciate the notification in the Office Action of allowable subject matter, i.e. that claims 1-9 and 15-20 are allowed.

Claim 10 has been amended. Claims 21 and 22 have been added. No new matter has been added by virtue of the amendments. For instance, support for the amendments appears in the original claims and, for example, on page 16, lines 12-23 of the originally filed specification.

Claims 10-14 have been rejected under 35 U.S.C. 103(a) over Yamada in view of Sahatijian and further in view of Krasner. The rejection is traversed.

Applicants' independent claim 10 (the only independent claim rejected over Yamada/Sahatijian/Krasner) reads:

10. A method for implanting an intraocular lens in an eye comprising:
 - mounting a deflated lens member about and to an end of a moveable member such that the deflated lens member is sealingly engaged with a portion of the moveable member so that an interior of the deflated lens member forms a compartment and such that an outlet port in the moveable member communicates with the deflated member compartment;
 - disposing an outer member about the moveable member;
 - inserting a portion of the outer member within the eye;
 - moving the moveable member from a first position within the outer member to a second position outside of the outer member, thereby deploying the deflated lens member;
 - forming the intraocular lens by injecting an optical medium into the deflated lens member compartment when the moveable member is in the second position using the moveable member outlet port;
 - moving the movable member from the second position outside the outer member to the first position within the outer member while the movable member concurrently withdraws out of the lens member thereby implanting the lens within the eye;
 - wherein after the movable member is removed from the eye and the intraocular lens remains in the eye, an injection device may be inserted into the intraocular lens to adjust the amount of optical medium in the intraocular lens.

The Yamada reference describes a balloon member 12 that is inserted into a capsular bag of an eye. A fluid may then be injected into the balloon member 12 thereby expanding it to fill the capsular bag. (Abstract) According to Yamada, the fluid is injected into the balloon member through a catheter 28 inserted in a tube 14 protruding from the balloon member 12. The Office asserts that the catheter 28 of Yamada may act as a moveable member.

Applicants respectfully submit that even if the catheter of Yamada could be considered a moveable member, Yamada nonetheless does not describe or suggest disposing an outer member about the moveable member. Yamada, further, does not describe or suggest that a portion of an outer member disposed about the moveable member is inserted within the eye. Still further, Yamada does not describe or suggest moving the moveable member from a first position within the outer member to a second position outside of the eye thereby deploying the deflated lens member. Yamada also does not describe or suggest moving the movable member from the second position outside the outer member to the first position within the outer member while the movable member is concurrently withdrawn out of the lens member, thereby implanting the lens within the eye. Further, Yamada does not describe or suggest that after the movable member is removed from the eye and the intraocular lens remains in the eye, an injection device may be inserted into the intraocular lens to adjust the amount of optical medium in the intraocular lens. Rather, Yamada merely describes a balloon member that may be mounted on a catheter and pushed into the eye. The balloon member is then inflated and the catheter removed. The tube of the balloon member through which the catheter is inserted is then cut and sealed to prevent leakage of material out of the balloon member.

Sahatjian describes a method and device for taking a bodily sample from a blood vessel of a patient and collecting the sample outside the body. The device includes a catheter 4 having a balloon at its distal end. The balloon is coated with a material that collects the bodily sample. After the sample is collected, the entire device (catheter and balloon) is removed from the body. A protective sheath 30 may further extend over the balloon while it is inserted and withdrawn from the body.

However, Sahatjian does not describe or suggest Applicants' device and method for the insertion and injection of a deflated lens member within the eye. In particular, Applicants provide a deflated lens member mounted on a movable member and housed within an outer member. The movable member is movable from a first position within the outer member to a second position outside of the outer member. During use, a portion of the outer member is inserted into the eye. The movable member is then moved from the first to second position, thereby deploying the deflated lens within the eye. Medium is injected into the lens through the moveable member. After the medium is injected, the moveable member is moved from the second position outside of the outer member to the first position inside of the outer member while the movable member is concurrently withdrawn out of the lens member, thereby deploying the lens member in the eye. Sahatjian does not describe or suggest such a device or method. Rather, Sahatjian merely describes a balloon mounted on a catheter for insertion into a blood vessel. The balloon is used to collect a bodily sample. A protective sheath may extend over the balloon during insertion and withdrawal of the balloon and catheter from the body.

Krasner, further, does not remedy the deficiencies noted above in relation to Yamada and Sahatjian. Krasner describes an instrument for manipulating compressible intraocular lenses. However, Krasner does not describe or suggest Applicants' device or method wherein a deflated lens member mounted on a movable member and housed within an outer member. The movable member is movable from a first position within the outer member to a second position outside of the outer member. During use, a portion of the outer member is inserted into the eye. The movable member is then moved from the first to second position, thereby deploying the deflated lens within the eye. Medium is injected into the lens through the moveable member. After the medium is injected, the moveable member is moved from the second position outside of the outer member to the first position inside of the outer member while the movable member is concurrently withdrawn out of the lens member, thereby deploying the lens member in the eye. Rather, Krasner merely relates to manipulation of lens members that have been implanted within the eye.

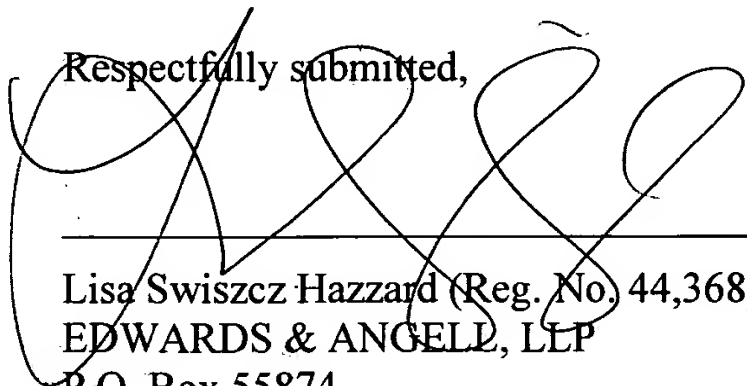
Thus, Yamada in view of Sahatijian and further in view of Krasner do not describe or suggest each element of Applicants' claim 10. In particular, the cited references fail to teach or suggest a device and method wherein (1) a device (comprising an outer member housing a deflated lens member mounted about a movable member) is inserted into the eye such that a portion of the outer member is inserted in the eye, (2) the movable member is moved from within the outer member to outside of the outer member (thereby moving the deflated member outside of the outer member as well), (3) medium is injected into the lens through the movable member, (4) the moveable member is moved from outside of the outer member to inside of the outer member while the movable member is concurrently withdrawn out of the lens member, thereby deploying the lens member in the eye.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants further submit that newly added claims 21 and 22 describe an intraocular lens system and a method for treating aphakia or cataract of an affected eye having those elements set forth above with relation to claim 10. As such, these claims are also patentable over Yamada in view of Sahatijian and further in view of Krasner for the reasons set forth above regarding claim 10.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

March 7, 2005

Respectfully submitted,


Lisa Swiszczy Hazzard (Reg. No. 44,368)
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, Massachusetts 02205
Tel. No. (617) 517-5512